UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike LLC	§	
	§	Civil Action No. 6:13 CV 124-MHS
Plaintiff	§	
v.	§	
	§	JURY TRIAL DEMANDED
Cognitec Systems Corp. and	§	
Cognitec Systems GmbH	§	
	§	
Defendants	§	

DECLARATION IN SUPPORT OF
COGNITEC SYSTEMS CORPORATION'S MOTION TO DISMISS

1.   My name is Hrac Kelesoglu. I am a Senior Business Development Executive with Cognitec Systems Corp., a Delaware corporation. I am over the age of 18, am competent to make this declaration, and have personal knowledge of the facts sworn to herein.

2.   Cognitec Systems Corp. has six employees in our principal office in Boston, Massachusetts, one employee in Las Vegas, and one employee in our administrative office in Miami, Florida. All documentation regarding Cognitec Systems Corp. is kept at our offices in either Boston or Miami.

3.   Cognitec Systems Corp. is a subsidiary and licensee of, but separate company from, Cognitec Systems GmbH, which is located in Dresden, Germany. Cognitec Systems Corp. licenses rights to facial recognition software, known as "FaceVACS," from Cognitec Systems GmbH.

4.   The FaceVACS software was initially developed in Germany in the 1990s, and is manufactured outside of the United States. The FaceVACS software is generally used for facial database search, video screening and analytics, photo capturing, and facial image quality assessment.

5.   Cognitec Systems Corp. sublicenses the FaceVACS software to its customers in the Americas. Cognitec Systems Corp. has entered into a total of six (6) license agreements with two customers located in Texas since 2005. The total dollar amount for the licenses

entered into with the two Texas-based customers amounts to $25,750. These licenses were entered into in 2005, 2007, 2008, and 2010. The two customers under these license agreements are located in Austin, Texas, and in Richardson, Texas, respectively. My understanding is that the address in Austin is located in the Western District of Texas, and that the Richardson address is located in the Northern District of Texas, not in the Eastern District of Texas.

6.   Cognitec Systems Corp. has not entered into any contracts, agreements or licenses with any customers located in this judicial district. Cognitec Systems Corp. has not licensed or sold any products to any customers in this judicial district. Cognitec Systems Corp. has not sent any products directly to customers this judicial district. Cognitec Systems Corp. has not mailed any materials to any potential customers located in this judicial district. Cognitec Systems Corp. has not purposefully directed its activities at residents of this judicial district. Cognitec Systems Corp. has never licensed or sold the FaceVACS software to anyone that has disclosed a mailing address in this judicial district.

7.   Cognitec Systems Corp. does not own or operate any offices, property, bank accounts or assets located in Texas or in this judicial district. Cognitec Systems Corp. does not have any officers, directors, or employees in Texas or this judicial district.
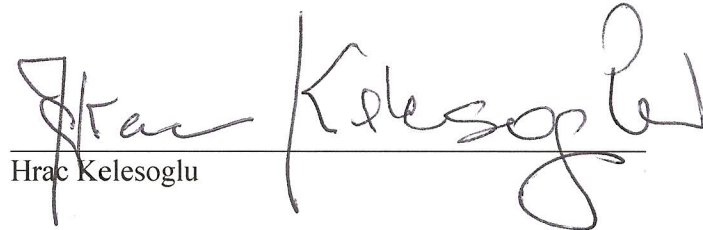
8.   Cognitec Systems Corp. has not attended any conferences or trade shows located in this judicial district.

9.   Cognitec Systems Corp. has not advertised in Texas. Cognitec Systems Corp. has no telephone listings or mailing addresses in Texas. Cognitec Systems Corp. has no designated agent for service of process in Texas, and it has never filed any tax returns in Texas.

10.   Cognitec Systems Corp. was unaware of the asserted patents until the plaintiff filed its lawsuit.

I declare under penalty of perjury under the laws of the United States of America that

the foregoing is true and correct.

Signed this ___5th___ day of April 2013.

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Hrac Kelesoglu